

Exhibit 24

email communications, prejudice, arbitrary and comprecious, and comparisons of similar Commission Declaratory Orders and boundary interpretations

The following email from D. Orodenker followed Ken Church's inquiry of R. Hakoda where, in part, Church posed what he believed to be a simple question '**is the LUC a State Agency?**' Church asked the same question twice because Hakoda's reply did not answer the question but rather Hakoda finally stated '**I think so, the State signs my paycheck**'.

Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>
To:dockline3@yahoo.ca
Cc:Hakoda, Riley K,Derrickson, Scott A
Wed., Apr. 29, 2020 at 8:22 a.m.
Dear Mr. Church;

*Please stop **harassing staff** in this very stressful time.*

***In case you are not aware**, State operations are governed by the governor's various emergency proclamations.*

*In a word **NO STATE AGENCY IS OPERATING UNDER NORMAL PROCEDURES.** Including the Courts.*

***Arguing with staff** on whether we should be conducting regular business is insulting and fruitless. Like everyone else you will just have to wait.*

*Daniel E Orodenker
Executive Officer, Land Use Commission*

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Following D. Orodenker's above letter Church wrote back.....

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Ken Church <dockline3@yahoo.ca>
To: Orodener, Daniel E, Scott A. Derrickson, Riley K. Hakoda
Wed., Apr. 29, 2020 at 1:41 p.m.
Dear Mr. Orodener,

It is very unfortunate that you have misunderstood my inquiry. Please accept my apology for the confusion. My inquiry was not intended to seem that I was arguing with staff on whether the LUC should be conducting regular business.

I can understand your frustration that resulted from misunderstanding my inquiry. The text was not intended to prod the administrative office of the LUC along in these difficult times. While the answer to the question may be clear to you it was not clear to me.

The quotes that I sent were in no way whatsoever intended to imply that the LUC Administrative staff were obliged by the State's Constitution to assist me at this time and prod my Petition forward. I know these are difficult times for everyone. I am developing text that may be useful for me to point to during any hearing that may result ***in the future*** regarding my Petition during this pause. There would be no point in developing the text for future use if it did not apply to the LUC. I was unsure whether the text described in the Constitution applied to the LUC as I was unsure textually whether it applied to the various State administrative parties to the Petition and the Commission itself. ***My confusion*** is that the LUC is described to be a quasi-judicial body. Simply stated I did not know whether a quasi-judicial body could also be an agency of the State, a political subdivision or simply the State? The answer may be clear to you but it is not clear to me.

For example a boundary interpretation is provided for by various HARules which promulgate from HRS 205 and that is promulgated forward by the State's Constitution. I was simply trying to be sure that I was textually correct.

Again I apologize for the confusion.

Sincerely,
Ken Church

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Mr. Orodener did not reply to the question asked in the above email nor did LUC staff. The Petition Church referred to was A18-805.

Subsequently regarding a different matter on June 26, 2020.....

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*Orodenker, Daniel E <daniel.e.oro denker@hawaii.gov>
To: Ken Church, Funakoshi, Rodney Y, Michael Yee, Derrickson, Scott A
Fri., Jun. 26, 2020 at 9:08 a.m.
Mr Church;
Frankly we have been more than patient with you.*

If you would like a boundary determination ask for it properly.

The Commission does not hear them unless there is an appeal from my decision after significant analysis by staff has been undertaken.

Bullying will not get you anywhere.

My advice is that you contact an attorney.

Your interpretation as to what was said yesterday and how the rules and statutes read is flat out inaccurate.

I will not be harassed like this.

*Daniel E Orodenker
Executive Officer, Land Use Commission*

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Re: *If you would like a boundary determination ask for it properly.*

Subsequently Church discussed this with Commission staff Scott Derrickson. Mr. Derickson advised that Church access the LUC's web site where a form was available to be filled out and filed with the LUC asking for a boundary interpretation. Church filled out the form and submitted it. We are presently now over 18 months since. The LUC never issued the requested boundary interpretation.

Re: Your interpretation as to what was said yesterday and how the rules and statutes read is flat out inaccurate.

Church referred that Orodenker advised the Commissioners '**that his staff was working with the Petitioners regarding DR18-805. Church emailed Orodenker advising that this statement to the Commissioners was not correct.**'

Re: My advice is that you contact an attorney.

The Petitioners were repeatedly advised/reminded to get a lawyer. In the case of DR99-21 (Stengle) he represented himself. He was issued a new boundary interpretation reflecting that '**the coastal ridge top**' was the District Boundary despite the fact that the Commission's 1974 Official Map H-59 showed the District boundary being substantially inland.

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Church replied.....

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Ken Church <dockline3@yahoo.ca>

To:Orodenker, Daniel E

Fri., Jun. 26, 2020 at 5:20 p.m.

Like I said in my last letter to you. Put your reply into a letter, sign it, send it to me and we will take it from there.

Sincerely,
Ken Church

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No signed letter was received however another email was received.

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Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>

To: Ken Church

Cc: Derrickson, Scott A, Hakoda, Riley K

Fri., Jun. 26, 2020 at 7:14 p.m.

Mr Church;

WE are working hard on very important issues in attempt to assist in getting through the current crisis. Staff time is dedicated to that endeavor. We are understaffed and asked to handle an increased workload.

I suggest you seek professional advice and hire an attorney. You got your response at the meeting. I stand by it and consider the matter closed.

You may request your boundary interpretation in the proper manner.

*I have nothing further to add and **staff has been instructed to focus on matters that are coming up in the near term rather than wasting an inordinate amount of time on your issue simply because you refuse to seek professional advice.***

Daniel E Orodenker

Executive Officer, Land Use Commission

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Re: **You may request your boundary interpretation in the proper manner.**

Church did request a boundary interpretation in the prescribed LUC's on-line form and no boundary interpretation was ever issued.

Re: ***staff has been instructed to focus on matters that are coming up in the near term***

It appears that ***staff were instructed*** to not deal with A18-805 because nothing has happened in that regard since.

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Re: ***Bullying will not get you anywhere.***

and

I will not be harassed like this.

and from the April 29 email (above)

harassing staff

and

in case you are not aware

and

Arguing with staff

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The tone and content of Mr. Orodenker's emails clearly has caused the Petitioners to believe that his attitude towards the Petitioners was strongly negative. In this way the above 3 emails from Mr. Orodenker further substantiates the Petitioners' belief that they are being ***discriminated against*** in an unfair way by Mr. Orodenker. Mr. Orodenker controls the formal and informal information flow to the LUC Commissioners also. The Petitioners believe that it is not a stretch to believe that his attitude has influenced the Commissioners against the Petitioners.

During the Commission's September 8, 2021 hearing regarding the Petitioners DR21-72 the Commissioner's made a subtle reference to.....

*'outsiders coming to the islands and buying up **cheap** Conservation land that have no intention to use the land for agriculture and then asking the Commission to rezone it to the agricultural District, and once redistricted **sell the land for a profit** without ever developing the agricultural resources of the land'*

The evidence provided in DR21-72 clearly presented a different land use and land use plan by the Petitioners and it further described the Petitioners' substantial investments towards the agricultural use of the Property. The Petitioners evidenced that they had planted substantial orchard species and a cultivated field crop area with approximately 300 pineapples had been developed.

The Petitioners evidenced that they had constructed 720 sq. ft. agricultural storage and processing structure on the Property . The structure was particularly necessary because the Petitioners residence was 30 miles from the Property. Toilet facilities were an absolute necessity because the Petitioners were tending to the agricultural development of orchard species and a cultivated field area with a pineapple crop. Safe, secure storage for agricultural use equipment was also an absolute necessity. The residence followed 4 years later. The structure included...

- toilet and washroom facilities including a shower,
- a produce processing area including cold storage, counter top work areas and a sink,
- a work bench,
- tool storage etc.,
- storage area for a Kubota tractor and roto tiller,
- fully permitted waste water septic system,
- 7,500 watt capacity solar panels,

- 3,200 amp. hr. battery bank,
- electrical panels, inverter, chargers etc.,

Total investment in the structure exceeded \$80,000.00.

As a direct comparison, the very similar petition to DR21-72 (Church-Hildal) **which was denied by the Commission**, DR99-21 (Stengle), **which was granted by the Commission**, described that he intended to sell his property following its rezoning. Stengle did not intend to continue farming his land but rather intended to sell his property, *ref., exhibit 1, Finding of fact item 16, page 29.....*

16. Petitioners originally purchased the Property in 1982 with the intention of building a house on the Property and retiring there. **Petitioners now plan to sell the Property and retire on O`ahu.**

Source DR99-21 (Stengle), exhibit 1, page 29 (highlights added)

Today a \$6,000,000.00 mansion is located on that property, which initially included a several hole golf course.

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Finally the Commission's September 8th Hearing for DR21-72 (Church-Hildal) and its result appear as further examples that the Petitioners were not treated fairly.....

- the Commission's denial of DR21-72, when compared to other comparable, appears to show that the denial was **arbitrary** and **capricious**, and the Petitioners believe that it was **prejudicial** against them as the Commission has not applied an even standard in its consideration of DR21-72 (Church-Hildal) compared to the only other two similar Declaratory Orders that appear to exist where a conflict existed between the Commission's 1974 Official SLUD maps and the text record of the Commission's Redistricting actions regarding those two properties....
- DR99-21 (Stengle), and
- DR96-19 (Castle Foundation).

also Boundary Interpretation No. 07-19 (Muragin) and generally the inland area mauka of the coastal cliff for all of the coastal properties that are located within SLUD Map H-59 appear to now be interpreted by the LUC to be agricultural which conflicts with the district line on Map H-59.

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The Commission's denial of DR21-72 appears to be in conflict with HRS 205-2 (3) and HAR 15-15-19 (a) as described in detail in Appendix(s) 2, 3 and 7.

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.....and finally Commissioners described that DR21-72 lacked a ***"preponderance of evidence"*** which is in conflict with other similar Petitions for a Declaratory Order.....

- the Petitioners offered direct evidence that the Property was in

agricultural use in 1969 (5 exhibits) and evidenced that the Report's page 36 specifically stated "**Areas in agricultural use were excluded**" from the 1969 redistricting of Hamakua Coastal land from the Agricultural District to the Conservation District throughout the text and exhibits of DR21-72.

- comparatively DR99-21 (Stengle) provided no evidence that his property was in agricultural use in 1969 nor did Muragin in their Boundary Interpretation request,
- DR21-72 (Church-Hildal) had 19 exhibits that directly evidenced that the Property was in agricultural use in 1969,
- Stengle had one picture and a locator map and a property survey,
- the LUC's on-line record for DR96-19 (Castle Foundation) also does not appear to have been supported by exhibits and it only referenced the text of the Commission's record of the 1974 five year boundary review report,
- DR21-72 (Church-Hildal) had photo copies of text sections from the 1969 report as evidence, Stengle only had a quotation and Muragin had none,
- DR21-72 (Church-Hildal) was supported by the Office of Planning,
- the zoning of land south of Hilo vs. north of Hilo appears starkly in conflict with HRS 205-2 (3) and HAR 15-15-19 (a),
- the LUC's interpretive zoning of land north of Hilo is generally in stark conflict with HRS 205-2 (3), ref., Appendix(s) 1, 2, 7 and 9.

LUC staff and the Commission's Executive Officer, Mr. Orodener have repeatedly reminded the Petitioners 'get a lawyer'. The Petitioners investigated and found the cost of representing their Petition for a Declaratory Order to be in excess of \$30,000.00. The Petitioners believe

that it is grossly unfair and unreasonable that they suffer such a cost and with an uncertain outcome in order to correct an error by the Commission.